REMARKS

By the foregoing amendment, Claims 1, 2 and 8 have been amended, and Claim 3 has been cancelled. Favorable reconsideration of the application is respectfully requested.

Claims 1-35 were rejected under 35 U.S.C. §102(b) on the grounds of anticipation by Olson et al. In the previous Office Action, the Examiner indicated that the AED of Olson et al. a visual indicator. Claim 1 has been amended to recite "wherein the visual indicator presents a first color indication and the second processor is programmed to cause the visual indicator to intermittently present the first color indication when the defibrillator is off and the periodic test result is that the defibrillation circuitry is ready to operate normally, such that failure of said visual indicator to indicate a status of the defibrillator indicates an error condition." Claim 8 similarly has been amended to recite "wherein the visual indicator presents a first color indication and the processor is programmed to cause the visual indicator to intermittently present the first color indication when the defibrillator is off and the periodic test result is that the defibrillation circuitry is ready to operate normally, such that failure of said visual indicator to indicate a status of the defibrillator indicates an error condition."

It is respectfully submitted that Olson et al. does not teach, disclose or suggest an external defibrillator with a processor programmed to cause an external visual indicator to intermittently present a color indication when the defibrillator is off and the periodic test result is that the defibrillation circuitry is ready to operate normally, such that failure of said visual indicator to indicate a status of the defibrillator indicates an error condition, as is claimed. In Olson et al., the diagnostic display panel 36 is located internally, under the lid 28, and is covered by the defibrillator electrodes 50 until the lid is opened and the electrodes are removed, and a maintenance indicator 20 is located on the exterior of the defibrillator enclosure. As is pointed out in Olson et al. at column 7, line 63, to column 8, line 28, a closed lid self test is periodically performed, and "Light 38 on diagnostic display panel 36 is illuminated (when lid 28 is subsequently opened), and maintenance indicator 20 is switched to its maintenance required state by processor 74 if faults are identified during the lid closed self-test." As is described at column 6, lines 20-22, the maintenance indicator 20 may be switched to a black color indicating an operational state, which, it is respectfully submitted, is ambiguous and would not be distinguishable from the indicator being off, such as due to failure of the maintenance indicator light. In Olson et al., a constant black color of the maintenance indicator provides no indication at all of absence of a fault, since a constant black color of the indicator could be due to a failure of the indicator itself. In contrast, in the present invention, the second processor is programmed to cause the visual indicator to intermittently present a color, actively changing the color of the indicator, to give a clear, unmistakable indication that the defibrillation circuitry is ready to operate normally, so that inactivity of the visual indicator is itself a clear, unmistakable indication of an error condition. In Olson et al., maintenance indicator 20 is not switched on to intermittently present a color indication when the defibrillator is off and the periodic test result is that the defibrillation circuitry is ready to operate normally.

The Examiner indicated that Olson et al. uses LED's, so that the AED of Olson et al. would be fully capable of using a lack of LED illumination to be indicative of an error. However, it is respectfully submitted that in Olson et al. a lack of LED illumination of the maintenance indicator would be incapable of indicating an error condition, since this would be indistinguishable from the continuous black color indication that is used to indicate operational status. While it may be possible to program the processor in Olson et al. to cause the maintenance indicator to light intermittently when the circuitry is ready to operate normally, there is no teaching, disclosure or suggestion in Olson et al. of a processor programmed to cause the maintenance indicator to light intermittently when the circuitry is ready to operate normally. In fact, the processor in Olson et al. is programmed to cause the maintenance indicator to light only to display an error condition. If the maintenance indicator in Olson et al. is not functional, any error condition indicated by an internal visual indicator on the internal diagnostics display panel will not be discovered until the lid is opened and the electrodes are removed, such as when the unit is to be used. It is therefore respectfully submitted that the present invention provides an important patentable improvement over Olson et al., and that Claims 1-35 are novel and inventive over Olson et al. It is therefore respectfully submitted that the rejection of Claims 1-35 on the grounds of anticipation by Olson et al. should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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